CLERK'S OFFICE U.S. DIST. COURT AT ROANOKE, VA

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION

	MAR 2 5, 2008
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BY:	DESITTY OF FRE

TERRANCE HENDERSON,)	DEPUTY CLERK
Plaintiff,)	Civil Action No. 7:07-cv-00266
)	
v.)	<u>ORDER</u>
)	
COMMONWEALTH OF)	
VIRGINIA, et al.,)	By: Hon. Glen E. Conrad
Defendants.)	United States District Judge

Proceeding pro se, plaintiff Terrance Henderson filed this civil rights complaint pursuant to 42 U.S.C. § 1983, with jurisdiction vested under 28 U.S.C. § 1343. Plaintiff, an inmate in the Segregated Housing Unit at Red Onion State Prison ("ROSP") in Pound, Virginia, alleged a number of claims that his constitutional rights had been violated by defendants employed at ROSP and with the Virginia Department of Corrections. By order entered on January 24, 2008, the court granted summary judgment to defendants regarding all claims except for plaintiff's claim that his First Amendment rights had been violated by defendants' refusal to permit him to possess commercially distributed photographs. The court referred the First Amendment matter to United States Magistrate Judge Michael F. Urbanski, pursuant to 28 U.S.C. § 636(b)(1)(B), for conduct of a hearing and the preparation of a Report and Recommendation, setting forth findings of fact, conclusions of law, and a recommended disposition. Following a hearing on March 4, 2008, the Magistrate Judge submitted a report, entered upon the docket on March 6, 2008, wherein he recommends that the district court enter judgment in favor of defendants, and that the case be dismissed from the pending docket of the court. All parties were advised that failure to file written objections to the report within ten days would be deemed to constitute a waiver of the right to contest the Magistrate Judge's findings and conclusions. The ten days has expired, and no objections to the Report and Recommendation have been filed by any party.

Accordingly, for the reasons stated in the Magistrate Judge's Report and Recommendation, and in the absence of any objections thereto, it is now

ORDERED

that the Report and Recommendation shall be and hereby is adopted in its entirety. Wells v. Shriners Hospital, 109 F.3d 198, 199 (4th Cir.1997) (failure to file written objections to report and recommendation constitutes a waiver of the right to further contest those issues); Wright v. Collins, 766 F.2d 841 (4th Cir.1985) (pro se litigant must be advised of the effect of failure to file written objections to report and recommendation in order for the report to be binding on the litigant).

Accordingly, it is further

ORDERED

that judgment shall be and hereby is entered in favor of defendants. The Clerk is directed to strike the case from the active docket of the court, and to send a certified copy of this order to all parties.

ENTER: This 25 day of March, 2008.

United States District Judge

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